

***A man v Perthshire Advertiser***

Clauses noted: 3

A man from Scotland complained to the Press Complaints Commission that an article headlined "Injured pedestrian awarded damages" published in The Perthshire Advertiser on 10 February 2004 intruded into his privacy in breach of Clause 3 (Privacy) of the Code of Practice.

The complaint was rejected.

The article reported a court case relating to a car accident in which the complainant was the offending party. It stated that the complainant was a serving prison officer and gave his full home address in addition to his car registration number. The complainant considered that the inclusion of such a level of personal detail was unprofessional and put his family's safety at risk.

The newspaper made clear that all the information contained within the article was given in open court or contained within the judgement of the case. The information was, therefore, in the public domain. The newspaper sent the complainant a private letter, in which it explained that it understood the complainant's concerns and apologised for any distress caused.

The complainant, accepting that the details were revealed in open court, made clear that no member of the public had actually been in attendance to hear them. The complainant's job involved confronting inmates on a regular basis, and the publication of his full address to a wide audience was therefore a considerable security risk. The complainant requested that the newspaper undertake not to print personal details of those in security-sensitive jobs in the future, publish an apology and make a donation to charity.

*Adjudication*

The Commission noted that the information contained within the article had clearly been established in the public domain by virtue of being revealed in open court. The court did not appear to have imposed any restrictions on the publication of the address by the media. In these circumstances, the Commission's normal approach is to consider whether there are exceptional reasons for interfering with the editor's legal right to publish the information.

While the Commission could sympathise with the complainant's feelings of vulnerability, it did not conclude that such reasons had been established in this case. There was no evidence of any actual threat to the complainant, and the Commission was reluctant to come to a conclusion that would effectively give greater rights to privacy to certain people on the basis of their occupation, when the material concerned has already been placed in the public domain.

Relevant rulings

Hill v Yorkshire Evening Post, 1996  
Matheson v Ross-shire Journal, 1998  
An army officer v The News (Portsmouth), 1998  
A man v Hertfordshire Mercury, 1999

Adjudication issued 2004